

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

MISSOURI PRIMATE FOUNDATION, ET
AL,

Plaintiffs and Counterclaim
Defendants,

-against-

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS, INC., ET AL,

Defendants and Counterclaim
Plaintiffs.

Case No. 4:16-cv-02163

Judge: Honorable Catherine D. Perry

**AFFIDAVIT OF JERRY ASWEGAN IN SUPPORT OF COUNTERCLAIM
DEFENDANT TONIA HADDIX'S OPPOSITION TO: (1) COUNTERCLAIM
PLAINTIFFS' FOURTH MOTION FOR AN ORDER TO SHOW CAUSE WHY
COUNTERCLAIM DEFENDANT TONIA HADDIX SHOULD NOT BE HELD IN
CONTEMPT FOR FAILING TO TRANSFER CHIMPANZEE TONKA AS REQUIRED
BY COURT ORDER (ECF NO. 333); AND (2) COUNTERCLAIM PLAINTIFFS'
SUPPLEMENT THERETO (ECF NO. 337)**

I, Jerry Aswegan, do hereby declare:

1. I am over the age of 18, and am not a party to this action.
2. I submit this affidavit in support of Counterclaim Defendant Tonia Haddix's Opposition To: (1) Counterclaim Plaintiffs' Fourth Motion For an Order To Show Cause Why Counterclaim Defendant Tonia Haddix Should Not Be Held In Contempt For Failing To Transfer Chimpanzee Tonka As Required By Court Order (ECF No. 333); and (2) Counterclaim Plaintiffs' Supplement Thereto (ECF No. 337).
3. The facts stated herein are true and correct of my own personal knowledge, except as to matters stated on information and belief, and as to those matters I am informed and believe them to be true.

4. I am married to Ms. Haddix. Therefore, I regularly interact with her. Based on these interactions, it is my sincere belief that Ms. Haddix cared deeply about the chimpanzee Tonka.

5. On the morning of Sunday, May 30, 2021, Ms. Haddix informed me that Tonka had passed away. Because she cared deeply for him, she was understandably distraught. Therefore, to spare her the trauma of having to make funeral arrangements, I elected to handle the disposal of Tonka's body.

6. First, I called several animal remains disposal services. However, as it was Sunday, none of them even answered the phone. Since his death took place over Memorial Day weekend, I expected these animal remains disposal services would be closed on Monday, May 31. Therefore, I believed that, unless I disposed of Tonka's body myself, it would remain undisposed for at least two days.

7. Neither Ms. Haddix nor I had any freezer in which Tonka's body would fit.

8. At the time of Tonka's death, it was hot in Missouri. Because no animal remains disposal services were available, and because both Ms. Haddix and I lacked any method of preserving Tonka's body, it was my fear that the body would become health hazard if I did not immediately dispose of it. Thus, I decided to cremate Tonka's body.

9. To ensure the cremation was done properly, I obtained advice from a friend who was in the funeral business. Thereafter, I created a funeral pyre approximately eight feet tall and twenty feet in diameter. The pyre was comprised of

brush, branches, other plant matter, as well as waste wood that I had removed from construction sites.¹ I then placed Tonka's body on top of the pyre.

10. I saturated Tonka's body and the surrounding wood with approximately ten gallons of diesel fuel. Since diesel is not particularly flammable (in the sense that it is difficult to ignite), I also doused the body and surrounding wood with approximately five gallons of gasoline to ensure that it would light easily.

11. Thereafter, I lit Tonka's pyre. I measured the temperature of the pyre at approximately 30 minute intervals using an infrared thermostat gun. The temperature of the flame stayed between approximately 1650 and 1700 degrees Fahrenheit for approximately three hours. In total, the pyre burned for approximately four hours.

12. After the pyre was fully burned and the ashes had cooled down, I collected ashes from the center of the pyre—where Tonka's body was located—and gave them to Ms. Haddix.

13. The above-described cremation took place on May 30, 2021.

14. I wrote and sent the email referenced by PETA in its Supplement. *See* ECF No. 337 ¶ 3.

15. When I drafted that email, I was running a petting zoo. Therefore, I was distracted and made several clerical errors in drafting the email. Of relevance here, I erroneously omitted a zero from each of the temperatures stated in my email. Thus,

¹ My construction business generates a large volume of waste wood and wood fragments.

I intended to convey—and for the email to state—that I had been instructed to ensure the pyre reached a temperature of 1600 to 1800 Fahrenheit, and that the fire in fact burned at 1650 to 1700 Fahrenheit for approximately three hours.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct of my own knowledge.

Dated this 14th day of August, 2021



Jerry Aswegan